

STATE OF MISSOURI     )  
                                  ) SS.  
CITY OF ST. LOUIS     )

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

RAYMOND NAGY,	)	
	)	
Plaintiff,	)	Cause Number:
	)	
VS.	)	
	)	
AMERICAN FAMILY INSURANCE COMPANY	)	Division Number:
OF WISCONSIN,	)	
Serve:	)	
Missouri Division of Insurance	)	
301 W. High Street, Room 530	)	
Jefferson City, MO 65101	)	
	)	
Defendant.	)	

PETITION - UNDERINSURED MOTORIST

COMES NOW Plaintiff, Raymond Nagy and for his cause of action against Defendant, states as follows:

1. That Plaintiff was and at all times hereinafter mentioned a resident of the City of St. Louis, Missouri.
2. Defendant is a duly organized and existing corporation organized in the business of insurance and transacts business in the City of St. Louis, State of Missouri.
3. On or about December 19, 2014, Plaintiff procured a policy of insurance from Defendant, said policy number 2315-0240-01 which was in full force and effect at the time mentioned

herein below. A copy of the declaration page is attached hereto marked as Exhibit 1 and incorporated herein by reference.

4. That said policy of insurance provided for underinsured motorist's coverage in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per accident.

5. On or about June 27, 2015, at approximately 1:30 p.m., Plaintiff owned and was operating a 2007 Big Bear Chopper motorcycle when he was struck by a 2013 Toyota Corolla owned by Jacqueline Ewing.

6. That the driver of the 2013 Toyota Corolla was negligent and careless in making a u-turn in front of the motorcycle operated by Plaintiff, striking Plaintiff to the ground at or near the intersection of Morganford and Quincy in the City of St. Louis.

7. That the operator of the 2013 Toyota Corolla owned by Jacqueline Ewing was negligent and careless in the following respects:

- a. In failing to keep a careful lookout;
- b. In making an illegal u-turn;
- c. In driving carelessly and recklessly under the circumstances;
- d. In failing to yield to the right of way to oncoming traffic.

8. That as a direct and proximate result of the negligence and carelessness of said driver, Plaintiff, Raymond Nagy suffered serious, permanent and disabling injuries to his right leg, suffered a fractured right tibia and right fibula, said fractures required two operations and suffered abrasions to his left thigh, chin, right hand, right forearm, and has incurred medical bills in excess of Two Hundred Thousand Dollars (\$200,000.00) and will incur future medical bills. Further, Plaintiff has suffered lost wages and has been unable to return to work since the accident.

9. That Jacqueline Ewing had liability insurance with Geico Insurance Company with coverage for One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per occurrence. See Exhibit 2 attached hereto and incorporated herein by reference.

10. That Jacqueline Ewing's insurance carrier paid the maximum amount owing and due under her policy of insurance, One Hundred Thousand Dollars (\$100,000.00) on or about November 25, 2015. See Exhibit 3 attached hereto and incorporated herein by reference.

11. That Plaintiff has incurred damages well in excess of Three Hundred and Fifty Thousand Dollars (\$350,000.00).

12. Demand has been made upon Defendant, but it has refused to honor its contract and to pay the amounts owing and due under the policy of insurance.

13. That the failure to pay the policy limits of Two Hundred and Fifty Thousand Dollars (\$250,000.00) and the delay to make payment to Plaintiff pursuant to the policy provisions of his underinsured motor vehicle coverage is vexations in nature to the extent so as to justify and cause an award of additional loss to the Plaintiff from the delay and the refusal and for attorney's fees related to this action pursuant to §375.296 and §375.420 of the Revised Statutes of Missouri.

WHEREFORE, Plaintiff prays judgment against the Defendant for damages in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00); for interest at the legal rate from the date of this Petition; and for an additional sum as and for attorney's fees and vexatious refusal; and for such other and further orders this Court deems just, meet and proper.

/s/ Joseph V. Neill  
Joseph V. Neill #28472  
Attorney for Plaintiff  
5201 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 353-1001  
Facsimile: (314) 353-0181  
E-Mail: [neill15300@aol.com](mailto:neill15300@aol.com)

/s/ Reiad M. Khouri  
Reiad M. Khouri #56414  
Attorney for Plaintiff  
5205 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 932-7671  
Facsimile: (314) 932-7672  
[rmk@khourilawfirm.com](mailto:rmk@khourilawfirm.com)



Page 1 of 2

FOR LIENHOLDER USE

2315-0240-01

**MOTORCYCLE POLICY**

AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN  
A MEMBER OF THE AMERICAN FAMILY INSURANCE GROUP MADISON, WI

**PLEASE READ YOUR POLICY**

POLICY NUMBER 2315-0240-01

POLICYHOLDER/NAMED INSURED

NAGY, RAYMOND D

EFFECTIVE

FROM 12-19-2014 TO 12-19-2015

ACCT 019-399-405-01

VIN 1B9SP21S67B631034

2007 BIGB MCYC

1639

VEHICLE SYMBOL CLASS CITY 7 TERRITORY 81

DEMERIT POINTS 0

**COVERAGES AND LIMITS PROVIDED**

BODILY INJURY LIABILITY

\$250,000 EACH PERSON \$500,000 EACH OCCURRENCE

PROPERTY DAMAGE LIABILITY \$250,000 EACH OCCURRENCE

COMPREHENSIVE \$500 DEDUCTIBLE

COLLISION \$500 DEDUCTIBLE

PASSENGER LIABILITY COVERAGE

**ADDITIONAL PROTECTION / ENDORSEMENTS**

END 55 UNDERINSURED MOTORIST COVERAGE - BODILY INJURY ONLY

\$250,000 EACH PERSON \$500,000 EACH ACCIDENT

END 53 UNINSURED MOTORIST - BODILY INJURY ONLY

\$250,000 EACH PERSON \$500,000 EACH ACCIDENT

50 PLUS DISCOUNT HAS BEEN APPLIED

Declarations effective on the date shown above. These declarations form a part of this policy and replace all other declarations which may have been issued previously for this policy. If this declarations is accompanied by a new policy, the policy replaces any which may have been issued before with the same policy number.

AUTHORIZED  
REPRESENTATIVE



President



Secretary

AGENT 021-164 PHONE (314) 832-1800

ANTHONY PALMISANO  
6005 HAMPTON AVE  
SAINT LOUIS, MO 631093608

USER ID  
ENTRY DATE  
SIS ID

RAG033  
07-22-2015  
60887202

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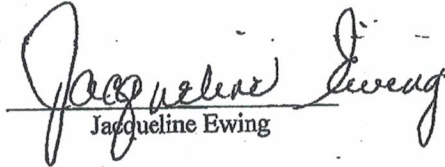
0071632970101204 JSB  
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Affidavit for Jacqueline Ewing

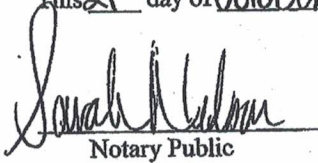
I, Jacqueline Ewing, being first duly sworn on oath, depose and state as follows:

I had no other insurance, including but not limited to excess and/or umbrella policies of insurance, which provides or may provide coverage for the motor vehicle collision which occurred on June 25, 2015 other than or in addition to my policy of insurance with GEICO General Insurance Company, policy number 4090897721, with Bodily Injury limits of \$100,000.00 per person, \$300,000.00 per occurrence.

FURTHER AFFIANT SAYETH NOT.

  
Jacqueline Ewing

Subscribed and sworn to before me  
This 21 day of October, 2015.

  
Notary Public



GEICO GENERAL INSURANCE CO  
ONE GEICO CENTER  
MACON, GA 31296-0001

Bank of America  
Hartford, CT 06120  
Claim Number: 0071632970101204

51-44  
119 CT

NO. N 177459935

VOID AFTER 180 DAYS  
Date: 11/25/2015

Claimant:  
Raymond Nagy

Insured Name:  
Ms. Jacqueline Ewing

Amount:  
\$\*\*100,000.00

Feature Symbol & Amount  
ABI \$\*100000.00

\*\*ONE-HUNDRED-THOUSAND\*AND\*00/100\*DOLLARS\*\*\*\*\*

Pay to the Order of:  
Raymond Nagy, a single individual  
and his Atty Joe Neill

In Payment of:  
Bodily Injury Coverage

Mail To:  
Joe Neill  
5201 Hampton Ave  
Saint Louis Mo 63109-3102

Harris White

⑈177459935⑈ ⑆011900445⑆ 000000019191⑈





## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC09933	Special Process Server 1  Special Process Server 2  Special Process Server 3
Plaintiff/Petitioner: RAYMOND NAGY	Plaintiff's/Petitioner's Attorney/Address JOSEPH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Contract-Other		(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN

Alias:

MISSOURI DIVISION OF INSURANCE  
301 W. HIGH STREET, ROOM 530  
JEFFERSON CITY, MO 65101

COLE COUNTY, MO

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

August 11, 2016

Date

Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



Jeremiah W.(Jay)Nixon  
Governor  
State of Missouri



Department of Insurance  
Financial Institutions and  
Professional Registration  
John M. Huff, Director

August 17, 2016

JOSPEH V NEILL  
5201 HAMPTON AVE  
ST. LOUIS, MO 63109

ENTERED

AUG 24 2016

BAH

**NOTICE OF REJECTION OF SERVICE**

Please find enclosed the summons petition and any accompanying documents or other pleadings, which were recently received by the Department of Insurance, Financial Institutions and Professional Registration. These pleadings are being returned to you because:

Name of the insurance company defendant in such pleading or documents is either incomplete or inaccurate, making proper service questionable. Therefore, you must advise the Court of the name of the specific company on which you want service.

The Department will endeavor to effect service of process pursuant to statute when the above defects are cured and the corrected documents are served on us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Landers".

Kimberly Landers  
Paralegal

**Enclosure:** RAYMOND NAGY v. AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN

St. Louis City Circuit Court, Case Number: 1622-CC09933

**Cc:** St. Louis City Circuit Court

FILED  
22ND JUDICIAL CIRCUIT  
CIRCUIT CLERK'S OFFICE  
16 AUG 22 PM 12:40

STATE OF MISSOURI     )  
                                      ) SS.  
CITY OF ST. LOUIS     )

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

RAYMOND NAGY,	)	
	)	
Plaintiff,	)	Cause Number: 1622-CC09933
	)	
VS.	)	
	)	
AMERICAN STANDARD INSURANCE COMPANY)	)	Division Number: 1
OF WISCONSIN,	)	
Serve:	)	
Missouri Division of Insurance	)	
301 W. High Street, Room 530	)	
Jefferson City, MO 65101	)	
	)	
Defendant.	)	

REQUEST FOR ALIAS SUMMONS ORDER TO ISSUE

Come now Plaintiff, by and his attorney, and pursuant to Supreme Court Rule 54.15 and the Revised Statutes of Missouri, Section 506.240, requests service of process upon American Standard Insurance Company of Wisconsin by service of process to the Missouri Division of Insurance.

Plaintiff requests summons to the Cole County Sheriff to issue to the Missouri Division of Insurance to serve defendant, pursuant to the rules of court.

---

/s/ Joseph V. Neill  
Joseph V. Neill #28472  
Attorney for Plaintiff  
5201 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 353-1001  
Facsimile: (314) 353-0181  
E-Mail: [neill15300@aol.com](mailto:neill15300@aol.com)

---

/s/ Reiad M. Khouri  
Reiad M. Khouri #56414  
Attorney for Plaintiff  
5205 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 932-7671  
Facsimile: (314) 932-7672  
[rmk@khourilawfirm.com](mailto:rmk@khourilawfirm.com)

STATE OF MISSOURI     )  
                                  ) SS.  
CITY OF ST. LOUIS     )

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

RAYMOND NAGY,	)	
	)	
Plaintiff,	)	Cause Number: 1622-CC09933
	)	
VS.	)	
	)	
AMERICAN STANDARD INSURANCE COMPANY)	)	Division Number: 1
OF WISCONSIN,	)	
Serve:	)	
Missouri Division of Insurance	)	
301 W. High Street, Room 530	)	
Jefferson City, MO 65101	)	
	)	
Defendant.	)	

**FIRST AMENDED**  
**PETITION - UNDERINSURED MOTORIST**

COMES NOW Plaintiff, Raymond Nagy and for his cause of action against Defendant, states as follows:

1. That Plaintiff was and at all times hereinafter mentioned a resident of the City of St. Louis, Missouri.
2. Defendant is a duly organized and existing corporation organized in the business of insurance, and transacts business in the City of St. Louis, State of Missouri.
3. On or about December 19, 2014, Plaintiff procured a policy of insurance from Defendant, said policy number 2315-0240-01 which was in full force and effect at the time mentioned



herein below. A copy of the declaration page is attached hereto marked as Exhibit 1 and incorporated herein by reference.

4. That said policy of insurance provided for underinsured motorist's coverage in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per accident.

5. On or about June 27, 2015, at approximately 1:30 p.m., Plaintiff owned and was operating a 2007 Big Bear Chopper motorcycle when he was struck by a 2013 Toyota Corolla owned by Jacqueline Ewing.

6. That the driver of the 2013 Toyota Corolla was negligent and careless in making a u-turn in front of the motorcycle operated by Plaintiff, striking Plaintiff to the ground at or near the intersection of Morganford and Quincy in the City of St. Louis.

7. That the operator of the 2013 Toyota Corolla owned by Jacqueline Ewing was negligent and careless in the following respects:

- a. In failing to keep a careful lookout;
- b. In making an illegal u-turn;
- c. In driving carelessly and recklessly under the circumstances;
- d. In failing to yield to the right of way to oncoming traffic.

8. That as a direct and proximate result of the negligence and carelessness of said driver, Plaintiff, Raymond Nagy suffered serious, permanent and disabling injuries to his right leg, suffered a fractured right tibia and right fibula, said fractures required two operations and suffered abrasions to his left thigh, chin, right hand, right forearm, and has incurred medical bills in excess of Two Hundred Thousand Dollars (\$200,000.00) and will incur future medical bills. Further, Plaintiff has suffered lost wages and has been unable to return to work since the accident.

9. That Jacqueline Ewing had liability insurance with Geico Insurance Company with coverage for One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per occurrence. See Exhibit 2 attached hereto and incorporated herein by reference.

10. That Jacqueline Ewing's insurance carrier paid the maximum amount owing and due under her policy of insurance, One Hundred Thousand Dollars (\$100,000.00) on or about November 25, 2015. See Exhibit 3 attached hereto and incorporated herein by reference.

11. That Plaintiff has incurred damages well in excess of Three Hundred and Fifty Thousand Dollars (\$350,000.00).

12. Demand has been made upon Defendant, but it has refused to honor its contract and to pay the amounts owing and due under the policy of insurance.

13. That the failure to pay the policy limits of Two Hundred and Fifty Thousand Dollars (\$250,000.00) and the delay to make payment to Plaintiff pursuant to the policy provisions of his underinsured motor vehicle coverage is vexations in nature to the extent so as to justify and cause an award of additional loss to the Plaintiff from the delay and the refusal and for attorney's fees related to this action pursuant to §375.296 and §375.420 of the Revised Statutes of Missouri.

WHEREFORE, Plaintiff prays judgment against the Defendant for damages in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00); for interest at the legal rate from the date of this Petition; and for an additional sum as and for attorney's fees and vexatious refusal; and for such other and further orders this Court deems just, meet and proper.

/s/ Joseph V. Neill  
Joseph V. Neill #28472  
Attorney for Plaintiff  
5201 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 353-1001  
Facsimile: (314) 353-0181  
E-Mail: [neill5300@aol.com](mailto:neill5300@aol.com)

/s/ Reiad M. Khouri  
Reiad M. Khouri #56414  
Attorney for Plaintiff  
5205 Hampton Avenue  
St. Louis, Missouri 63109  
Telephone: (314) 932-7671  
Facsimile: (314) 932-7672  
[rmk@khourilawfirm.com](mailto:rmk@khourilawfirm.com)



Page 1 of 2

FOR LIENHOLDER USE

2315-0240-01

MOTORCYCLE POLICY

AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN  
A MEMBER OF THE AMERICAN FAMILY INSURANCE GROUP MADISON, WI  
**PLEASE READ YOUR POLICY**

POLICY NUMBER 2315-0240-01

POLICYHOLDER/NAMED INSURED

NAGY, RAYMOND D

EFFECTIVE  
FROM 12-19-2014 TO 12-19-2015  
ACCT 019-399-405-01  
VIN 1B9SP21S67B631034

2007 BIGB MCYC

1639

VEHICLE SYMBOL CLASS CITY 7 TERRITORY 81 DEMERIT POINTS 0

COVERAGES AND LIMITS PROVIDED

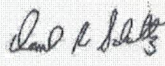
BODILY INJURY LIABILITY  
\$250,000 EACH PERSON \$500,000 EACH OCCURRENCE  
PROPERTY DAMAGE LIABILITY \$250,000 EACH OCCURRENCE  
COMPREHENSIVE \$500 DEDUCTIBLE  
COLLISION \$500 DEDUCTIBLE  
PASSENGER LIABILITY COVERAGE

ADDITIONAL PROTECTION / ENDORSEMENTS

END 55 UNDERINSURED MOTORIST COVERAGE - BODILY INJURY ONLY  
\$250,000 EACH PERSON \$500,000 EACH ACCIDENT  
END 53 UNINSURED MOTORIST - BODILY INJURY ONLY  
\$250,000 EACH PERSON \$500,000 EACH ACCIDENT  
50 PLUS DISCOUNT HAS BEEN APPLIED

Declarations effective on the date shown above. These declarations form a part of this policy and replace all other declarations which may have been issued previously for this policy. If this declarations is accompanied by a new policy, the policy replaces any which may have been issued before with the same policy number.

AUTHORIZED  
REPRESENTATIVE

  
President

  
Secretary

AGENT 021-164 PHONE (314) 832-1800

ANTHONY PALMISANO  
6005 HAMPTON AVE  
SAINT LOUIS, MO 631093608

USER ID RAG033  
ENTRY DATE 07-22-2015  
SIS ID 60887202



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0071632970101204

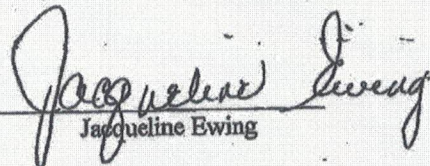
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Affidavit for Jacqueline Ewing

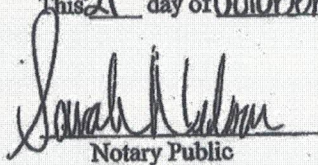
I, Jacqueline Ewing, being first duly sworn on oath, depose and state as follows:

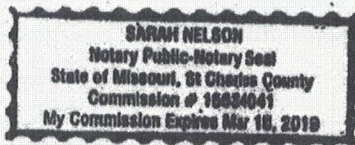
I had no other insurance, including but not limited to excess and/or umbrella policies of insurance, which provides or may provide coverage for the motor vehicle collision which occurred on June 25, 2015 other than or in addition to my policy of insurance with GEICO General Insurance Company, policy number 4090897721, with Bodily Injury limits of \$100,000.00 per person, \$300,000.00 per occurrence.

FURTHER AFFIANT SAYETH NOT.

  
Jacqueline Ewing

Subscribed and sworn to before me  
This 21 day of October, 2015.

  
Notary Public





GEICO GENERAL INSURANCE CO ONE GEICO CENTER MACON, GA 31296-0001	<b>Bank of America</b> Hartford, CT 06120 <b>Claim Number:</b> 0071632970101204	51.44 119 CT	<b>NO. N 177459935</b> VOID AFTER 180 DAYS Date: 11/25/2016
<b>Claimant:</b> Raymond Nagy	<b>Insured Name:</b> Ms. Jacqueline Ewing	<b>Amount:</b> \$**100,000.00	
<b>Feature Symbol &amp; Amount</b> ABI \$*100000.00			
<b>**ONE HUNDRED THOUSAND AND 00/100 DOLLARS*****</b>			
<b>Pay to the Order of:</b> Raymond Nagy, a single individual and his Atty Joe Neill	<b>In Payment of:</b> Bodily Injury Coverage		
<b>Mail To:</b> Joe Neill 5201 Hampton Ave Saint Louis Mo 63109-3102	<i>Harris White</i>		

⑈177459935⑈ ⑆011900445⑆ 000000019191⑈






## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC09933	Special Process Server 1  Special Process Server 2  Special Process Server 3
Plaintiff/Petitioner: RAYMOND NAGY	Plaintiff's/Petitioner's Attorney/Address JOSEPH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Contract-Other		(Date File Stamp)

## Alias Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN	
Alias: MISSOURI DIVISION OF INSURANCE 301 W HIGH STREET ROOM 530 JEFFERSON CITY, MO 65101	Cole County Sheriff
 <p>CITY OF ST LOUIS</p>	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p><b>September 12, 2016</b></p> <p>_____ Date</p> <p><i>Thomas Kloeppinger</i> _____ Clerk</p>
Further Information:	

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_  
Date Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC09933	Special Process Server 1  Special Process Server 2  Special Process Server 3
Plaintiff/Petitioner: RAYMOND NAGY	Plaintiff's/Petitioner's Attorney/Address JOSEPH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109	
Defendant/Respondent: AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Contract-Other		(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN

Alias:

COMMISSIONER OF INSURANCE  
301 WEST HIGH ST ROOM 530  
JEFFERSON CITY, MO 65101

COLE COUNTY

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

September 26, 2016

Date

Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.






## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC09933	Special Process Server 1  Special Process Server 2  Special Process Server 3  RECEIVED SEP 19 2016 COLE COUNTY SHERIFF'S OFFICE (Date File Stamp)
Plaintiff/Petitioner: RAYMOND NAGY	Plaintiff's/Petitioner's Attorney/Address JOSEPH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Contract-Other		

## Alias Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN Alias: MISSOURI DIVISION OF INSURANCE 301 W HIGH STREET ROOM 530 JEFFERSON CITY, MO 65101		Cole County Sheriff
 CITY OF ST LOUIS	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. <b>September 12, 2016</b> Date _____ Clerk <i>Thomas Bloppinger</i>	
Further Information:		
<b>Sheriff's or Server's Return</b> Note to serving officer: Summons should be returned to the court within thirty days after the date of issue. I certify that I have served the above summons by: (check one) <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 18 years. <input checked="" type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to <u>Kin Lamb</u> (name) <u>Ryan</u> <input type="checkbox"/> other _____ Served at <u>301 W High</u> (address) in <u>St. Louis</u> (County/City of St. Louis), MO, on <u>9/19/16</u> (date) at <u>9:28 a.m.</u> (time). <u>By John Smith</u> (Printed Name of Sheriff or Server) Signature of Sheriff or Server <b>Must be sworn before a notary public if not served by an authorized officer:</b> (Seal) Subscribed and sworn to before me on _____ (date). My commission expires: _____ Date _____ Notary Public		
<b>Sheriff's Fees</b> Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary \$ _____ Supplemental Surcharge \$ 10.00 Mileage \$ _____ ( _____ miles @ \$ _____ per mile) Total \$ _____ A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.		



## IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC09933	Special Process Server 1
Plaintiff/Petitioner: RAYMOND NAGY	Plaintiff's/Petitioner's Attorney/Address JOSEPH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109	Special Process Server 2
Defendant/Respondent: AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Contract-Other		

## Summons in Civil Case

**The State of Missouri to:** AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN  
Alias:  
COMMISSIONER OF INSURANCE  
301 WEST HIGH ST ROOM 530  
JEFFERSON CITY, MO 65101

**COLE COUNTY**

**COURT SEAL OF**  
  
**CITY OF ST LOUIS**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**September 26, 2016**

Date

Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

Kathryn Lathan (name) Rgn (title).

☐ other \_\_\_\_\_

Served at 301 W High (address)

in City (County/City of St. Louis), MO, on 9/30/16 (date) at 11:35 AM (time).

Cy (Printed Name of Sheriff or Server)

By John Smith (Signature of Sheriff or Server)

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ (date) \_\_\_\_\_ (Notary Public)

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

ENTERED

OCT 17 2016  
Civil Procedure Form No. 1, Rules 54.01 - 54.05,  
54.13, and 54.20; 506.120 - 506.140, and 506.150 RSMo

SJ

**IN THE CIRCUIT COURT OF ST. LOUIS CITY  
STATE OF MISSOURI**

RAYMOND NAGY,

Plaintiff

V.

AMERICAN FAMILY  
INSURANCE COMPANY  
OF WISCONSIN,

Defendant.

Cause No. 1622-CC09933

Division No. 1

## ENTRY OF APPEARANCE

COMES NOW James A. Harfst, and enters his appearance on behalf of Defendant American Family Insurance Company of Wisconsin. Defendant demands trial by jury.

James A. Harfst, #43893  
13500 Riverport Drive, Suite 175  
Maryland Heights, MO 63043  
(314) 542-0015  
Fax (866) 292-8815  
jharfst@amfam.com  
Attorney for Defendant

# CERTIFICATE OF SERVICE

Pursuant to Rule 103.08, I hereby certify that on this 3rd day of November, 2016, this document was electronically filed through the Missouri e-file system which will provide copies of same to all attorneys of record. Pursuant to Rule 55.03(a), the undersigned further certifies that he signed an original of this pleading and that an original of this pleading shall be maintained for a period not less than the maximum allowable time to complete the appellate process.

*JAM*

**IN THE CIRCUIT COURT OF CITY OF ST. LOUIS  
STATE OF MISSOURI**

RAYMOND NAGY,	)	
	)	
Plaintiff	)	
	)	
v.	)	Cause No. 1622-CC09933
	)	
AMERICAN FAMILY	)	Division No. 1
INSURANCE COMPANY OF	)	
WISCONSIN,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN'S  
ANSWER TO PLAINTIFF RAYMOND D. NAGY'S FIRST AMENDED PETITION**

COMES NOW Defendant, American Standard Insurance Company of Wisconsin, and in answer to Plaintiff Raymond D. Nagy's First Amended Petition, states as follows:

1. Defendant admits Paragraph 1.
2. Defendant admits Paragraph 2.
3. Defendant denies that the declaration page attached to Plaintiff's First Amended Petition as Exhibit 1 is the accurate declaration page for Plaintiff's policy of insurance with Defendant. Defendant admits the remaining allegations in Paragraph 3.
4. Defendant admits Paragraph 4.
5. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore, denies same.
6. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore, denies same.
7. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 or its sub-parts, and therefore, denies same.

8. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8, and therefore, denies same.

9. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9, and therefore, denies same.

10. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10, and therefore, denies same.

11. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11, and therefore, denies same.

12. Defendant denies the allegations contained in Paragraph 12.

13. Defendant denies the allegations contained in Paragraph 13.

14. For further answer and as an affirmative defense, Defendant states that pursuant to Plaintiff's insurance policy, issued by Defendant, Defendant's liability limit shall be reduced by all payments made by or on behalf of the owner or operator of the underinsured motor vehicle.

15. For further answer and as an affirmative defense, Defendant expressly reserves its right to deny coverage under any other term, condition or exclusion of the policy shown to be applicable as the result of further investigation and/or pre-trial discovery. Defendant's failure to assert any of those other defenses in this Answer at this time is without prejudice of its rights to assert them later and shall not be deemed to constitute a waiver or estoppel of its rights to raise additional affirmative defenses as may be warranted.

WHEREFORE, Defendant American Standard Insurance Company of Wisconsin prays that Plaintiff's Petition be dismissed at Plaintiff's cost and for such other relief as the Court deems just and proper.

DEFENDANT HEREBY DEMANDS TRIAL BY JURY.

A handwritten signature in black ink, appearing to read 'JAH', is positioned above a horizontal line.

James A. Harfst, #43893  
13500 Riverport Drive, Suite 175  
Maryland Heights, MO 63043  
(314) 542-0015  
Fax (866) 292-8815  
jharfst@amfam.com  
Attorney for American Standard Insurance  
Company of Wisconsin

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November, 2016, this document was electronically filed through the Missouri e-file system which will provide copies of same to all attorneys of record. Pursuant to Rule 55.03(a), the undersigned further certifies that he signed an original of this pleading and that an original of this pleading shall be maintained for a period not less than the maximum allowable time to complete the appellate process.

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